



***Town of Tyngsborough
Conservation Commission***

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 116
Fax: (978) 649-2301

Minutes
July 23, 2013
APPROVED

Present:

BM: Brian Martin **LG:** Lucy Gertz **PM:** Pat Mical **JE:** Jerry Earl **ES:** Ed Smith
MM: Matt Marro

Absent:

JK: Jeff Kablik **LB:** Linda Bown

Attachments:

1. Agenda
2. 50 Westford Rd. NOI Filing and Grading Plan – 7/2013
3. Elizabeth Coughlin Letter regarding Tyngsborough Commons – 7/23/13

7:00pm BM opened meeting

7:02pm **50 Westford Rd. (a.k.a. Tyngsborough Commons, M21, P23, L1) – Notice of Intent, DEP# 309-0868** for the construction of a sewer line, and (1) condo building with parking, curbing, sidewalks, retaining walls, drainage, grading and associated utilities which is part of the mixed-use commercial and residential village known as Tyngsborough Commons.

ES: Motion to waive the reading of the legal notice and abutters list.

JE: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

Engineer Steve Eriksen from Norse Environmental appeared before the Commission for the applicant. Mr. Eriksen summarized the work proposed for this site. This proposed project is a mixed-use development known as Tyngsborough Commons and received a Special Permit from the Planning Board in 2010. The applicant is now ready to move forward with the project and is proposing to construct a sewer line, along with work within the buffer zone to include one condo building, parking, granite curbing, concrete sidewalks, retaining walls, drainage, grading, and associated utilities within 100' of a BVW. Mr. Eriksen went on to say that approximately 700 s.f. of BVW and 12 l.f. of bank would be temporarily altered for the sewer line. All necessary erosion controls will be set and maintained throughout the project.

Sportsmen's Club representative Elizabeth Coughlin submitted a letter to the Commission that detailed their concerns with the project since they are a direct abutter to the project. Most notably were the hydrology impacts from blasting, stormwater impacts, drainage, and various groundwater issues.

Abutters from Dickens Lane, Steinbeck St., and Thoreau Lane in the Maple Ridge development also spoke of their concerns with the project. Their concerns also centered on drainage, blasting, and groundwater. MM recommended that the Commission ask that Planning Board engineer Jesse Johnson review the drainage and stormwater calculations. In addition, a site walk was scheduled for August 10, 2013 at 8:00am in order for the Commission and abutters to orient themselves with the project site. MM added that the applicant will need to establish a 53G account in order to cover these expenses.

ES: Motion to continue hearing until 8/13/13.

JE: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

8:00pm 25 Riverbend Road Flood Plain Violation

At the request of the Commission, homeowner Carol-Ann Peterson appeared to discuss a possible flood plain violation with the placement of a shed on her property. In addition, the placement of the shed appears to be on a common easement that gives surrounding homeowners river access. Ms. Peterson said that she has only owned the home since January 2013 and that whatever structures are on the property were there when she purchased the property. MM said that more research needs to be done before any action is taken.

8:05pm 48 Jacques Rd. (M8, P7, L22) – Request for a Partial Certificate of Compliance, DEP# 309-294. Order of Conditions issued to 8/24/1994.

ES: Motion to issue a Partial Certificate of Compliance for 48 Jacques Rd., DEP# 309-294.

JE: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

8:10pm 48 Jacques Rd. (M8, P7, L22) – Request for a Certificate of Compliance, DEP# 309-447. Order of Conditions issued to 1/29/1998.

ES: Motion to issue a Certificate of Compliance for 48 Jacques Rd., DEP# 309-447.

JE: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

8:15pm 48 Jacques Rd. (M8, P7, L22) – Request for a Certificate of Compliance, DEP# 1989-1. Order of Conditions issued to 8/10/1989.

ES: Motion to issue a Certificate of Compliance for 48 Jacques Rd., DEP# 1989-1.

JE: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

Reports/Discussion:

- **Sherburne Nature Center/Trails Committee Update**

LG reported that the Sherburne Nature Center map is in its final revision stages and should be ready for publication soon. In addition, the High School's Community Service Learning class is shaping up to have as many as 50 students this year. The Trails Committee has several projects that can be done by these students, so we'll hear about these as the school year progresses. Finally, on August 5, 2013 there will be a Community Planning meeting for the Trails Committee at the Sherburne Nature Center at 9am. The purpose of the meeting is to recruit more members.

Administrative:

1. Minutes:

ES: Motion to approve the minutes for May 28, 2013 as written.

PM: 2nd the motion

In Favor: 4 Opposed: 0 Abstain: 1 Absent: 2

Passes: 4-0-1-2

The minutes from the June 11th & July 9th meetings were not ready for approval.

8:30pm

ES: Motion to adjourn

JE: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

Respectfully for the Conservation Commission,

Pamela Berman
Administrative Assistant